

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(From The Official Chambers Via Video Conferencing)
CRIMINAL MISCELLANEOUS No.19530 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- RUPAULI District- Purnia

MD. SHAKIM @ MOHAMMAD SAKIM Son of Late Md. Abul Kalam
Resident of village - Bela Prasadi, Ward no. 1, Police Station - Rupauli,
District - Purnea.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-01-2022 Learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner.

The petitioner apprehends his arrest in connection
with Rupauli P.S. Case No. 86 of 2020, registered for the
offences punishable under Sections 394, 395, 397, 412, 120-B
of the Indian Penal Code & Section 25 (1-B) A, 26, 35 of Arms
Act.

As per FIR, the informant was sleeping in his shop at
night about 1 am, meanwhile, after hearing some sounds his
sleep was interrupted and he saw that four miscreants after



opening the *tatti* of the shop had entered and the miscreants snatched Rs. 1 lac which was kept by selling maize. When the informant raised hue and cry his wife came, the miscreants assaulted her and they also assaulted the informant with lathi, knife and arms and fled away from his shop. It has further been stated that during the course of scuffle two mobile sets, one small mobile of Samsung company and another mobile of Nokia company, one cartridge of pistol and knife of miscreants fell down there in shop. The informant also given the description of the miscreants in the FIR.

Learned counsel for the petitioner has submitted that the petitioner was not arrested on the spot and nothing was recovered from his possession. The name of the petitioner has figured only in confessional statement of co-accused except this there is nothing against the petitioner.

The order of learned Sessions Judge, Purnea dated 5.11.2020 shows that co-accused Md. Johil and Md. Rahil have rendered their self inculpatory confessional statement and both the co-accused have also named the present petitioner. It has also mentioned in that order that the call details record was detected by the police of the SIM card which was recovered from the place of occurrence and it was found that just before



occurrence a number of conversation have been made from the seized SIM card to the mobile No. of the present petitioner bearing 9631879313.

Considering the above-mentioned facts and circumstances, I am not inclined to grant the petitioner the privilege of anticipatory bail.

Accordingly, the anticipatory bail petition of the petitioner is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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